

and I feel I guess perhaps that I have more of an obligation than some others in here to pay attention to the constitutionality of bills. Being a lawyer I do feel that I have a professional responsibility not to vote for something which is clearly unconstitutional and I do think, I do believe that this bill in its present form is clearly unconstitutional and I believe that as I come to later because three days ago, three days ago a federal court in Ohio said so. You know sometimes the constitutionality is clear and sometimes it is not clear and I would readily admit that in cases where it is sometimes not clear perhaps it is the better judgment of this Legislature to go ahead and take the chance especially if public opinion is strong in favor of the social policy. But in cases where it is clearly unconstitutional, I feel that it is our obligation to uphold the Constitution. That was our oath of office and the Constitution itself is a document of the people. It is not changed except by a vote of the people and the people asked us to make laws in light of the Constitution and pay heed to the Constitution that they gave us and I think we should abide by it. Besides that, avoiding passing law where we know it is unconstitutional is so inefficient. First of all, we put an expense on the courts. As soon as we pass this law there will be court cases all over Nebraska, huge expenses, not only individual private citizens expenses but also public expenses because it is the public on the other side of each one of these law suits. Secondly, we leave the law in an uncertain state and that is one of the basic principles of law, that you have certainty in law, not uncertainty. Besides that it is additionally expensive because next year we are going to come in here and process another bill and go through the whole rigamarole again and incur more public expense simply to have a constitutional law and the people out there are going to say, oh, my God, here goes our Legislature again. We asked them to ban drug paraphernalia. They go through the motions and come up with an unconstitutional law. My God, we have got six lawyers down there. Now how do you tell them nobody gave you a chance to amend the law. Nobody was listening. Everyone wanted to ramrod it right through. So we do damage to our public image once again. I plan to go through and ask every lawyer in this Legislature what his professional opinion is on this bill, whether there are portions of it in his opinion which are unconstitutional and I would remind you, and I would like to see the response and I will remind you last year when the abortion bill was up, you had an indication from all six lawyers that the bill was unconstitutional and you said, no thanks, we will take our chances and you took your chances and it